

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ADVANCEPIERRE FOODS, INC.,)	
)	
Petitioner,)	
)	
v.)	Case No. 18-1219
)	
NATIONAL LABOR RELATIONS)	
BOARD,)	
)	
Respondent.)	

ANSWER TO CROSS-APPLICATION FOR
ENFORCEMENT OF AN ORDER

Petitioner AdvancePierre Foods, Inc. (“Petitioner”), files this Answer to the Cross-Application for Enforcement of an Order of the National Labor Relations Board (“NLRB” or “Board”) (Document #1750224)¹. For its Answer, Petitioner states as follows:

¹ On September 12, 2018, the undersigned first received service of the NLRB’s September 10, 2018, Cross-Application for Enforcement docketed as Appeal #18-1246 (Document #1750224). On September 13, 2018, the undersigned first received service of the NLRB’s September 6, 2018, inadvertently filed duplicate Cross-Application for Enforcement docketed as Appeal #18-1238 (Document #1750517). On September 14, 2018, the NLRB moved to withdraw the duplicate Cross-Application filed under Appeal #18-1238 (Document #1750517) [NLRB Motion to Withdraw, Document #1750717]. Appeal #18-1246 has been consolidated under the above case number; thus, no separate Answer is required to be filed under Appeal #18-1246.

1. Petitioner admits that on August 8, 2018, it filed a Petition for Review with this Court to seek review of the NLRB's July 19, 2018 Decision Order ("Decision and Order") of the National Labor Relations Board in Board Case No. 366 NLRB No. 133.

2. Petitioner denies that it violated the National Labor Relations Act, as found in the Decision and Order, and denies that the Decision and Order is enforceable because the Decision and Order is contrary to law and is not supported by substantial evidence based on the record as a whole.

3. Petitioner admits this Court has jurisdiction over the Board's Cross-Application for Enforcement and Petitioner's Petition for Review because Petitioner is aggrieved by the Decision and Order.

4. Petitioner admits venue is proper in this Court.

5. Petitioner's Answer to the NLRB's Cross-Application for Enforcement is timely filed.

6. Petitioner hereby incorporates by reference all exceptions, claims and defenses heretofore asserted by Petitioner in the administrative proceedings, including the Board's Decision and Order.

WHEREFORE, Petitioner respectfully requests that its Petition for Review be granted, that the NLRB's Cross-Application for Enforcement be denied, and

that Petitioner be granted such other and further relief to which it may show itself entitled.

Respectfully submitted,

Filed: September 26, 2018

/s/ Amy J. Zdravecky

Amy J. Zdravecky

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of *Answer To Cross-Application For Enforcement Of An Order* was filed and served on all counsel of record on September 26, 2018 via the Court's CM/ECF system or via U.S. Mail, as indicated:

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Respectfully submitted,

/s/ Amy Zdravecky
Amy Zdravecky